

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

O.J.APPEAL No 12 of 1988

in

COMPANY PETITION No 144 of 1987

And

CIVIL APPLICATION No 23 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA and
MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 No

ILAC LTD

Versus

BOMBAY GAS PUBLIC LTD

Appearance:

1. O.J.APPEAL No. 12 of 1988
No one appears for the apellant
MR KAMAL M MEHTA for Bombay Gas Public Ltd.

2. CIVIL APPLICATION No 23 of 1988
No one appears for applicant.
MR KAMAL M MEHTA for Bombay Gas Public Ltd.

CORAM : MR.JUSTICE M.R.CALLA and
MISS JUSTICE R.M.DOSHIT
Date of decision: 02/09/98

ORAL JUDGEMENT

The Bombay Gas Public Ltd. had filed the Company Petition No.144 of 1987 seeking an order for winding up of M/s. Ilac Ltd. This Company Petition was admitted on 29.2.88. Later on M/s. Ilac Ltd. moved Company Application No.92 of 1988 for revoking the order of admission. This Application No.92 of 1988 was rejected by the learned single Judge on 1.7.88.

Against this order dated 1.7.88 the present O.J. Appeal No.12 of 1988 had been preferred and the same is pending for admission since 20.7.88. On 7.9.93 the Division Bench passed an order in this Appeal staying the further proceedings till the continuance of the stay order in Company Petition No.144 of 1987. This order dated 7.9.93 was passed by the Division Bench in the wake of the declaration made by the B.I.F.R. under S.22(3) of the Sick Industrial Companies Act, 1985 on 10.2.92.

Today when the matter came up before us, Mr. Mehta appearing on behalf of Bombay Gas Public Ltd. invited our attention to the office note in this Appeal that winding up order has been passed in Company Petition No.157 of 1995 and Company Petition No.157A of 1995 with Company Application No.141 of 1998 on 15.7.98. It has also been submitted by Mr. Mehta that by this order dated 15.7.98 Calico Company has been ordered to be wound up and M/s.Ilac Ltd., is a subsidiary of Calico Company and further that Official Liquidator had already been appointed for Calico Co. as well as M/s.Ilac Ltd. In this view of the matter, this Appeal has become infructuous against the order dated 1.7.88 which is impugned in this Appeal.

This O.J. Appeal is, therefore, dismissed as having become infructuous.

In view of the order passed, as aforesaid, no orders are required to be passed in Civil Application No.23 of 1988 with regard to stay and the same also stands disposed of accordingly. Rule is hereby discharged. Interim relief stands vacated. No order as to costs.

